

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CLARENCE BOWEN ALLEN, BRENDA BERMAN,
ANNETTE BIRDSOING, WILLIAM HENRY, JOSE
JACOB, JACQUELINE KING, SUSAN LAMONICA,
JEAN PHIPPS, ROSLYN PRESS, HERBERT
RICHARDSON, VIRGINIA TUFARO, on behalf of
themselves and on behalf of all other similarly situated
individuals,

NOTICE OF REMOVAL

19 Civ. 3786

Plaintiffs,

-against-

CITY OF NEW YORK; NEW YORK CITY
HEALTH AND HOSPITALS CORPORATION,
and JACOBI MEDICAL CENTER,

Defendants.

----- X
**TO: THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

Defendants City of New York ("City"), New York City Health and Hospitals Corporation ("H+H"), and Jacobi Medical Center ("Jacobi") (collectively, "defendants"), by and through their attorney, Zachary W. Carter, Corporation Counsel of the City of New York, respectfully move this Court as follows:

1. On April 8, 2019, defendant City received copies of the Summons with Notice by personal service on the Office of the Corporation Counsel in an action entitled *Clarence Bowen Allen, et al. v. City of New York, et al.*, filed in the Supreme Court of the State of New York, County of New York, under Index No. 161679/2018 (the "State Court Action"). On April 9, 2019, defendants H+H and Jacobi were also served with the Summons with Notice in the State Court Action.

2. A copy of the Summons with Notice in the State Court Action is annexed hereto as Exhibit "A."

3. On April 26, 2019, defendants filed a Demand for Complaint.

4. The Summons with Notice alleges, *inter alia*, that defendants discriminated against them in violation of the Age Discrimination in Employment Act of 1967 (“ADEA”), 29 U.S.C. § 623, *et seq.*; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000, *et seq.*; the Uniform Guidelines on Employee Selection Procedures (1978), 29 C.F.R. § 1607; and United States “labor laws.” *See* Summons with Notice, Exhibit “A.”

5. The above-captioned action is a civil action of which the District Court has original jurisdiction pursuant to 28 U.S.C. § 1331, in that it alleges claims which arise under the laws of the United States. This action is therefore removable to the District Court without regard to the citizenship or residence of the parties, pursuant to 28 U.S.C. §§ 1441 and 1443.

6. This Notice of Removal is timely because it is being filed within thirty (30) days of defendants’ receipt of the Summons with Notice. *See* 28 U.S.C. § 1446 (b). All defendants join in and consent to the removal of this action.

7. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of New York.

WHEREFORE, defendants respectfully request that the above-captioned action be removed from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: New York, New York
April 29, 2019

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